

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ERIC HERMAN,

Plaintiff,

CASE NO. 1:13-cv-00020

v

HON. JANET T. NEFF

SEMPRIS, LLC, a Delaware limited liability Company, E. MISHAN & SONS, INC., a New York corporation d/b/a EMSON, INC., and QUALITY RESOURCES, INC., a Florida corporation,

Defendants.

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**SEMPRIS, LLC AND EMSON, INC'S MOTION FOR EXTENSION OF TIME TO RESPOND TO PLAINTIFF'S FIRST AMENDED COMPLAINT**

On September 11, 2013, the Court held a Rule 16 hearing, and then ordered (1) that discovery in this case is stayed pending resolution of Sempris's petition for multidistrict treatment, (2) that Plaintiff was to file his First Amended Complaint by October 10, 2013, and (3) that Sempris, LLC ("Sempris") was to file by November 7, 2013, its petition for multidistrict treatment of this case, if any. (Dkt. 63.) Based on the Court's September 11, 2013 Order and a transcript of the Rule 16 hearing, it was Sempris's and Emson's understanding that Sempris's and Emson's respective answers or other pleadings to the Amended Complaint would become due at such date set by the MDL transferee court (should the Judicial Panel on Multidistrict Litigation ("JPML") grant Sempris's forthcoming petition for MDL) or at such time set by this Court (should the JPML deny Sempris's forthcoming petition for MDL).

Nevertheless, to ensure that the record is clear, Sempris and Emson file this Motion for Extension of Time to Respond to Plaintiff's First Amended Complaint pursuant to Federal Rule of Civil Procedure 6(b)(1)(A) and Local Rule 7.

Plaintiff filed his First Amended Complaint on October 10, 2013. (Dkt. 65.) Defendants Sempris and Emson respectfully requests that this Court extend the time for Sempris and Emson to answer or otherwise plead to the First Amended Complaint until such time as may be ordered by the Court following the decision of the JPML on Sempris's forthcoming petition for multidistrict treatment.

This Motion is supported by the attached Brief.

Pursuant to W.D. Mich. LCivR 7.1(d), counsel sought concurrence in this Motion Plaintiff's counsel indicated that they do not oppose the Motion.

Dated: November 1, 2013

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Dated: November 1, 2013

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By /s/ Adam T. Peterson (with consent)

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## **CERTIFICATE OF SERVICE**

I certify that on November 1, 2013, I filed the foregoing **Sempris, LLC and Emson, Inc.'s Motion for Extension of Time to Respond to Plaintiff's First Amended Complaint**, and caused a true and correct copy of the foregoing to be served upon all CM/ECF registrants of record in this action using the CM/ECF system.

/s/ Matthew R. Devine